

Michael E. Huber, USB# 7735
Law Offices of Michael Huber, PC
8170 South Highland Dr., Suite E5
Sandy, UT 84093
Tel (801) 733-5807 Fax (801) 733-0132

J. Steven Newton, USB# 2404
Business Law Associates, L.C.
8170 South Highland Dr., Suite E5
Sandy, Utah 84093
Tel (801) 944-5255 Fax (801) 947-5860

Attorneys for Plaintiff

IN THE UNITED STATES DISTRICT COURT FOR
THE DISTRICT OF UTAH, CENTRAL DIVISION

Direct Mortgage Corporation, a Utah
Corporation,

Plaintiff,

vs.

Keirtec, Inc., a Nevada Corporation, doing
business as US Mortgage Source, Omar Nazeri,
Celsa Arbaiza, Nick Poullas, Walker Appraisal
Service, a Nevada Corporation, James Brown,
LandSafe, Inc., and John Does 1-5,

Defendants.

MOTION TO DISMISS

Case No. 2:06-cv-00853 PGC

Judge Paul G. Cassell

Pursuant to Rule 41(a)(2) of the Federal Rules of Civil Procedure, Plaintiff moves for
dismissal of all claims without prejudice. Plaintiff's Motion results from a number of procedural
conditions. First, Plaintiff and Defendants Keirtec, Inc., Celsa Arbaiza, and Nick Poullas have
reached a settlement wherein Plaintiff has agreed to dismiss all claims against them without

prejudice. Second, with the contract, fraud, misrepresentation and conspiracy claims having been resolved the only claims remaining relate to faulty appraisals. Plaintiff believes these claims are best and most efficiently litigated in Nevada. Plaintiffs's counsel has contacted counsel for Walker, Brown and LandSafe, Inc. to inquire about the preferred jurisdiction for litigation of the remaining claims. Counsel for Walker stated a strong preference for Nevada State Court. Counsel for Brown stated a mild preference for State Court. Counsel for LandSafe Inc., stated a strong preference for Federal Court in Nevada. Without unanimity among defense counsel, if Plaintiff's Motion is granted, Plaintiff represents to the Court that Plaintiff will refile against Defendants Brown and Walker and may refile against LandSafe Inc. in State Court in Nevada thus accomplishing Plaintiff's commitments to Defendants Keritec, Arbaiza, and Poullas and complying with the preferences of Walker and Brown. Plaintiff's Memorandum in Support on this Motion is filed herewith.

DATED the ____ day of May, 2007.

By: /s/ Michael E. Huber
Michael Huber
J. Steven Newton
Attorneys for Plaintiff
8170 South Highland Dr., Suite E5
Sandy, UT 84093
Telephone: 801-733-5807
Fax: 801-733-0132

CERTIFICATE OF SERVICE

I hereby certify that on the 7th day of May, 2007, a true and correct copy of the MOTION TO DISMISS was filed electronically through the CM/ECF system, which caused the following parties or counsel to be served by electronic means, as more fully reflected on the Notice of Electronic Filing:

Barbara K. Berrett
Nathan C. Croxford
BERRETT & TAYLOR, L.C.
Ken Garff Building
405 South Main Street, Suite 1050
Salt Lake City, Utah 84111
Attorneys for Defendant David Walker

Ronald G. Russell
Matthew Ball
Parr Waddoups Brown Gee & Loveless
185 South State Street, Suite 1300
Salt Lake City, Utah 84111
Attorneys for Defendant LandSafe, Inc.

Russell A. Cline
Crippen & Cline, LC
10 West 100 South, Suite 425
Salt Lake City, Utah 84101
Attorneys for Defendant Keirtec, Inc. dba U.S. Mortgage Source

Gregory J. Sanders
Gary T. Wright
Kipp & Christian
10 Exchange Place, 4th Floor
Salt Lake City, Utah 84111
Attorneys for Defendant James Brown

/s/ Michael E. Huber